U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

2002 MAY -1 PM 9:47

NANCY M. MAYER-WHITTINGTON CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE A. NORTON, Secretary of the Interior, et al.,

Defendants.

Case No. 1:96CV01285
(Judge Lamberth)

DEPARTMENT OF THE INTERIOR'S RESPONSE TO THE EMERGENCY REPORT OF THE SPECIAL MASTER REGARDING DEFENDANT'S PROPOSED RELOCATION OF RECORDS TO THE LEE'S SUMMIT FEDERAL RECORDS CENTER

The Secretary of the Interior and the Assistant Secretary - Indian Affairs ("Interior Defendants") submit the following response to the Emergency Report of the Special Master ("Report"), filed April 17, 2002, which addresses the proposal by the Office of Trust Records, Office of the Special Trustee for American Indians ("OTR/OST") to transfer approximately 32,000 boxes of documents containing, inter alia, individual Indian trust information from warehouses in Albuquerque, New Mexico to the Federal Records Center in Lee's Summit, Missouri.

Interior Defendants object to the Report insofar as it suggests that the Court must "take action" to provide "oversight" of the trust records program. Report at 24. While the Special Master perceived what once might have been termed an "emergency" situation, any "emergency" ceased when, prior to the Report's issuance, Interior's senior management recognized some of the

problems subsequently outlined in the Report and took appropriate steps to begin addressing these–including ordering a halt to records relocation and destruction and committing to ongoing consultation with the Special Master. Likewise, for these same reasons, no need exists for further oversight beyond that which Interior Defendants themselves have voluntarily sought through ongoing consultation with the Special Master.

Interior Defendants also observe that, while the Special Master's findings are generally beyond dispute, the scope of many of the problems he identified in the trust records program remains yet to be determined. Thus, for example, while he has demonstrated serious problems in inventorying–including inconsistent practices, the use of vague and misspelled words, and the mistaken identification of trust records as temporary–it is not clear at this point how extensive these problems are.[1] By halting records relocation and destruction and by undertaking with the Special Master a review of the trust records program, Interior Defendants seek to identify clearly and with specificity the extent of the problems that must be resolved and to decide on a comprehensive, workable plan for the program's successful overhaul.

Interior Defendants do not dispute the Special Master's finding that the proposed retirement of documents to Lee's Summit must be given further consideration and be better planned to ensure that individual Indian trust beneficiaries can access IIM data. As a general

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[1]That the extent of the problems identified by the Special Master has yet to be determined is suggested by the documentation attached to the Emergency Report itself. The Report observes that Exhibit 11 consists of Records Transmittal and Receipt forms, or SF-135s, for boxes already transferred by OTR to Lee's Summit, in which trust records are listed as "Temp[orary]." It then notes that "similar documents are included for reference" at Exhibit 12. The SF-135s contained in Exhibit 12, however, identify the "Disposal Date" of the listed records as "Perm[anent]" or "Freeze."

rule, the Department of Interior, like all federal agencies, is subject to the federal law governing records management, and by the terms of this law, must "dispos[e] of temporary records no longer necessary for the conduct of business" by means of, inter alia, "destruction" and the "transfer of records to Federal agency storage facilities or records centers" and "the National Archives." 44 U.S.C. § 2901(5)(A)-(C); see also Order Regarding Interior Department's IIM Records Retention at 3 (Aug. 11, 1999) ("It is FURTHER ORDERED, that nothing in the foregoing is intended to prevent the disposal of non-IIM Records authorized by a final records schedule approved by the Archivist of the United States or materials which are not 'records' as defined in 44 U.S.C. § 3301. In addition, this Order shall not be interpreted to prevent the movement of IIM Records to different storage facilities, including Federal Records Centers and the National Archives."). Interior Defendants recognize, however, that their compliance with federal records-management law cannot come at the expense of, or as a substitute for, fulfilling their fiduciary obligations to individual Indian money account-holders.

It is precisely because Interior Defendants recognized some of the problems with the OTR/OST trust records program identified in the Report that, prior to its issuance, they ordered a halt to the relocation of records and to the implementation of document destruction schedules. On April 16, 2002, a day before the issuance of the Report, J. Steven Griles, the Deputy Secretary of Interior, sent a memorandum to Tom Slonaker, the Special Trustee for American Indians, and Neal McCaleb, Assistant Secretary, Indian Affairs, stating that he "ha[d] been informed that the Special Master has expressed grave concerns about our Indian trust records management program." Memorandum of April 16, 2002 from J. Steven Griles to Tom Slonaker

and Neal McCaleb at 1 ("Griles Memo") (Ex. 1). In addition, the memo noted that "[s]eparately, the Associate Deputy Secretary has identified issues (e.g., insufficient planning for future records requirements, chain of custody accountability, inventory sufficiency, etc.) that warrant further senior management attention." Id.

To address the serious concerns expressed by both the Special Master and the Associate Deputy Secretary, the Griles Memo issued the following three directives. First, it ordered a halt to the relocation of all OST and BIA records: "**OST and BIA are directed to maintain records, both Tribal and individual, in their current geographic locations** . . . ." Id. (emphasis in original). Second, as to the approximately 32,000 boxes of records that OTR/OST had proposed to transfer from Albuquerque to Lee's Summit, the memo stated that "[t]hese records are to remain in their current location until we have adequately addressed the concerns raised by the Associate Deputy Secretary and the Special Master." Id. Third, recognizing the possibility that boxes already in storage and subject to routine destruction schedules may be insufficiently inventoried to ensure that they contain no trust records, the memo ordered a freeze on document destruction: "**While we review the records management program more closely, please ensure that document destruction schedules are suspended.**" Id. at 2 (emphasis in original).

The memo provided that, while these three directives are in force, "[t]he Office of the Secretary, in consultation with the Special Master, will independently re-examine the records program to clarify our programmatic needs." Id. It then concluded by emphasizing the importance of ensuring that the "Special Master is properly and timely informed [of records-related issues] and that he has every opportunity to resolve concerns prior to the Department

taking irreversible actions." Id. at 3. As evidenced by these three directives, by the memo's commitment to bring the records program in line with trust "program[] needs," and by the attached declaration of Deputy Secretary Griles ("Griles Declaration") (Ex. 2), Interior Defendants seek to work with the Special Master to revamp the records program and thereby resolve the serious problems in trust records management that he and the Associate Deputy Secretary have identified. See Griles Declaration at ¶ 8 ("I have assigned the Associate Deputy Secretary, James Cason, to conduct the independent re-examination of the records program by the Office of the Secretary."); id. at ¶ 10 ("The re-examination will include review of the issues identified in the Report, including the scope and extent of the problems with the trust records program identified by the Special Master, and the capabilities of the current trust records management team.")

Interior Defendants' commitment to restructuring the trust records program–and thus the lack of any need for more direct Court oversight–is evidenced not only by the Griles Memo and the Griles Declaration, but also by an earlier draft of the Griles memo written at some point before March 29, 2002[2] (and thus weeks before the issuance of the Emergency Report). This draft memo did not address the issue of document destruction schedules, but like the version of

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[2]On March 29, 2002, Interior Defendants made their first production of documents in response to the Special Master's March 19, 2002 request for bi-weekly production of documents concerning the proposed records move to Lee's Summit (SMREQ0000666-SMREQ0001302). See Letter of March 29, 2002 from Amalia D. Kessler, Department of Justice, to Alan L. Balaran, Special Master (transmitting Production SMREQ0000666-SMREQ0001302) (Ex. 3). An undated, earlier version of the memo ultimately sent by Deputy Secretary Griles on April 16, 2002 is contained within this production, at SMREQ0001034-SMREQ0001036 ("Draft Memo").

the memo that was ultimately signed on April 16, 2002, it stated clearly that "[u]ntil the Special Master and I have reviewed . . . [the trust records program], I request that you and the Office of the Special Trustee maintain all records, both Tribal and individual, in their current locations." Draft Memo from J. Steven Griles to Tom Slonaker at 2 (SMREQ0001035) ("Draft Memo") (Ex. 4). Similarly, it noted that "[i]t is also important that the Special Master is properly and timely informed and that he has every opportunity to resolve concerns prior to the Department taking irreversible actions." Id. at 1 (SMREQ0001034).

While the scope of the problems identified in the Special Master's Emergency Report has yet to be determined, Interior Defendants agree that the OTR/OST trust records program has deficiencies that must be corrected. However, as expressed before the issuance of the Report and in the attached Griles Declaration, Interior Defendants are committed to working with the Special Master to rectify these problems. It was precisely to ensure that they had the time necessary to undertake this critical redevelopment of the trust records program (and that no trust records would be jeopardized in the interim) that Deputy Secretary Griles in his memo of April 16, 2002, ordered a halt to records relocation and destruction–including the proposed relocation of approximately 32,000 boxes of documents from Albuquerque to Lee's Summit. Thus, while the problems facing trust records management are serious, no emergency threatens these 32,000 boxes, and no need exists for further Court oversight beyond that which Interior Defendants have voluntarily sought through their commitment to ongoing consultation with the Special Master.[3]

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[3]We also attach for the Court's information the views expressed by the Office of the Special Trustee in an unsworn memorandum. See Memorandum of May 1, 2002, from Tom

(continued...)

Dated: May 1, 2002

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

SANDRA P. SPOONER
D.C. Bar No. 261495
Deputy Director
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OF COUNSEL:

Sabrina A. McCarthy
Department of the Interior
Office of the Solicitor

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[3](...continued)
Slonaker, Special Trustee for American Indians, to J. Steven Griles, Deputy Secretary (Ex. 5). The memorandum is not verified pursuant to Local Rule 5.1(h) because Mr. Slonaker has refused to do so. He has, however, indicated that he is willing to testify in open court about this matter.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on May 1, 2002, I served the foregoing Department of the Interior's Response to the Emergency Report of the Special Master Regarding Defendant's Proposed Relocation of Records to the Lee's Summit Federal Records Center, in accordance with their written request of October 31, 2001, by facsimile upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, NW
Washington, D.C. 20036-2976
202-822-0068

Dennis M Gingold, Esq.
Mark Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
202-318-2372

by U.S. Mail upon:

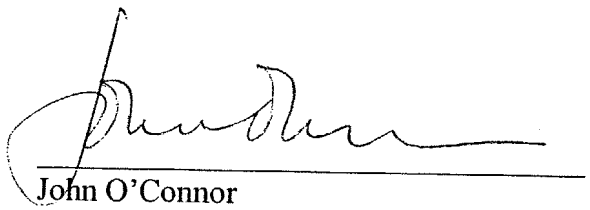
Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

by facsimile upon:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., N.W.
12th Floor
Washington, D.C. 20006

and by hand delivery upon:

Joseph S. Kieffer
Court Monitor
420 7th Street, NW
Apt 705
Washington, DC 20004



John O'Connor

United States Department of the Interior

THE DEPUTY SECRETARY
Washington, D.C. 20240

APR 16 2002

MEMORANDUM

To: Tom Slonaker
Special Trustee for American Indians

Neal McCaleb
Assistant Secretary, Indian Affairs

From: J. Steven Griles
Deputy Secretary

Subject: Indian Trust Records Management

As you know, we have records retention requirements associated with our ongoing trust obligations and our commitments to the Court in the Cobell v. Norton litigation. It is imperative that we identify, manage, protect and preserve both individual Indian and Tribal records. I have been informed that the Special Master has expressed grave concerns about our Indian trust records management program. Separately, the Associate Deputy Secretary has identified issues (e.g., insufficient planning for future records requirements, chain of custody accountability, inventory sufficiency, etc.) that warrant further senior management attention.

I want to evaluate closely the issues and concerns that have been expressed by the Special Master and the Associate Deputy Secretary. Indian trust records are one cornerstone of our trust management program, hence we must exercise due diligence and great care to address any threats or opportunities involving these trust assets.

The movement of these records has been raised as one significant concern. To address this issue, **OST and BIA are directed to maintain records, both Tribal and individual, in their current geographic locations, pending future direction from the Office of the Secretary on the disposition of inactive records.** Of course, routine use and intra-office movement of active records is permitted. In addition, any relocation of "Paragraph 19" documents continues to require the approval of the Cobell document production coordinator.

In particular, OST had announced an intent to relocate approximately 32,000 cubic feet of records from Albuquerque, New Mexico, to Lee's Summit, Missouri. These records are to remain in their current location until we have adequately addressed the concerns raised by the Associate Deputy Secretary and the Special Master. Since these records are to remain in place for the foreseeable future, the underlying premise of the notification letter from Dean Brinker, OST Personnel Management Specialist, to Mr.

Ziemer, Indian Educators Federal, AFT, AFL-CIO, has clearly changed. Therefore, until relevant aspects of the Indian trust records management program are evaluated and further direction is provided by the Office of the Secretary, the Division of Research, Litigation and Settlement and the Branch of Records Service Centers will need to continue operations.

The movement of records between BIA locations, OST locations and Lee's Summit is to be suspended immediately. If, as of the date of this memorandum, records are currently in transit, please complete the delivery to the intended location and provide me with immediate notification regarding the transit schedule and inventory of records being moved.

In addition, it appears that records placed in storage may be subject to a routine destruction schedule. It is unclear whether the records have been sufficiently separated, indexed and labeled to ensure no relevant Indian trust documents are destroyed inadvertently. **While we review the records management program more closely, please ensure that document destruction schedules are suspended.**

The Office of the Secretary, in consultation with the Special Master, will independently re-examine the records program to clarify our programmatic needs. To begin that process, please assemble comprehensive documentation regarding:

- the types and volumes of Indian trust records located at each BIA, OST or other Federal records repository. Further guidance, clarifying desired information, will be issued in the near future.

- any plan to relocate Indian trust records between geographic locations. In addition, provide documentation regarding the relocation of records since January 1, 1999, to present; include source location, destination, record volumes and types and chain of custody information.

- how Indian trust records will be made accessible, from these locations, for various anticipated purposes such as historical accounting, land management, ownership & title deliberations, and research requests from agency or area offices.

- records management policies and procedures, records-related agreements between BIA & OST and any plans demonstrating goals, objectives, tasks and subtasks associated with records management. In addition, please provide documentation regarding the organizations and personnel having records management responsibilities at each location where relevant Indian trust records are held.

- the suitability of records storage facilities at each location and the security measures employed to ensure that no documents are lost, stolen or

destroyed.

Given the historical concerns about records retention and protection, I believe that it is imperative that we be extremely careful to ensure trust records are protected and preserved. I want to make sure that the Special Master is properly and timely informed and that he has every opportunity to resolve concerns prior to the Department taking irreversible actions.

Thank you for your time and effort to respond to these concerns. Please let me know if you have any questions or concerns about these records management issues.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV01285
	)	(Judge Lamberth)
GALE NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF J. STEVEN GRILES

1. I am J. Steven Griles, the Deputy Secretary, United States Department of the Interior. In that capacity, I serve as the chief operating officer of the Department.

2. As part of my official duties and responsibilities, I have overall authority and responsibility within the Department for Indian trust reform.

3. I have read the Emergency Report of the Special Master Regarding Defendant's Proposed Relocation of Records to the Lee's Summit Federal Records Center, dated April 17, 2002 ("Report").

4. Prior to the issuance of the Report, the Associate Deputy Secretary of the Interior made me aware of certain concerns, expressed by the Special Master, about Indian trust records management, including concerns about the proposed move of records to the Federal Records Center in Lee's Summit, Missouri, that is the subject of the Report.

5. To address those concerns, I issued a directive to the Special Trustee for American Indians and the Assistant Secretary for Indian Affairs on April 16, 2002. Exhibit 1. A copy of that directive was provided to the Special Master prior to his issuance of the Report.

6. In the April 16 directive, the Office of Special Trustee ("OST") and the Bureau of Indian Affairs ("BIA") were "directed to maintain records, both Tribal and individual, in their current geographic locations, pending further direction from the Office of the Secretary on the disposition of inactive records." Further, OST and BIA were directed to "ensure that document destruction schedules are suspended," pending the Office of the Secretary's review of "the records management program."

7. The April 16 directive explained that the "Office of the Secretary, in consultation with the Special Master, will independently re-examine the records program to clarify our programmatic needs" and pledged "to make sure that the Special Master is properly and timely informed and that he has every opportunity to resolve concerns prior to the Department taking irreversible action."

8. I have assigned the Associate Deputy Secretary, James Cason, to conduct an independent evaluation of the records program by the Office of the Secretary.

9. An initial step in that evaluation will be a review of documents to be provided by BIA and OST. As outlined in the April 16 directive, those documents will include documentation regarding:

- the types and volume of Indian trust records located at each BIA, OST or other federal records repository;
- any plan to relocate Indian trust records between geographic locations;

- how Indian trust records will be made accessible from the locations for various research purposes;
- records management policies and procedures, records-related agreements between BIA and OST and any plans demonstrating goals, objectives, tasks, and subtasks associated with records management; and
- the suitability of records storage facilities at each location and the security measures employed to ensure that no documents are lost, stolen or destroyed.

10. The records program evaluation will include review of the issues identified in the Report, including the scope and extent of the problems with the trust records program identified by the Special Master, and the capabilities of the current trust records management team.

11. Following issuance of the Report, it is my understanding that Secretary Norton asked Treasury Secretary O'Neill to make available Treasury employees with technical expertise on financial trust management. As a follow-up to that conversation, I spoke with Assistant Secretary Hammond at Treasury and he stated that Treasury would provide the Department with technical assistance in records management, based upon its own Indian trust records management program and the improvements recently made to it.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 5/1/02

J. Steven Griles

U.S. Department of Justice
Civil Division

Regular Mail:
P.O. Box 875
Ben Franklin Station
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1100 L Street, N.W.
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March 29, 2002

BY FACSIMILE AND HAND DELIVERY

Alan L. Balaran
Special Master
1717 Pennsylvania Ave. NW, 12th Floor
Washington, DC 20006

Re: Cobell v. Norton – March 19, 2002 Request for Bi-Weekly Production of Documents Concerning Records Move to Lee's Summit

Dear Mr. Balaran:

In response to your March 19, 2002 letter requesting bi-weekly production of documents initially requested in your February 20 letter–both of which we understand to be orders pursuant to Fed. R. Civ. P. 53(c)–we will be hand-delivering the following documents to you and to counsel for Plaintiffs: SMREQ0000666-SMREQ0001302. Please note that we do not understand your March 19 and February 20 letters to request the instructions provided by the Department of Justice to the Department of the Interior regarding document-production. Therefore, we have not included such instructions in this production. We have, however, just received your March 29 letter requesting by April 8 "all instructions . . . issued by . . . the Department of Justice to Interior personnel seeking compliance with my requests."

As concerns your request for an explanation of why certain documents were overlooked in the March 8, 2002 production, the Solicitor's Office provides a letter (with attached e-mails), SMREQ0000667-SMREQ0000675.

In response to your request for verifications in accordance with Local Civil Rule 5.1, we were informed by the Solicitor's Office in the attached transmittal memo, SMREQ0000666, that it has "not yet received any signed certifications in response to the request."

Please let me know if I can be of further assistance.

Sincerely,

Amalia D. Kessler
Trial Attorney
Commercial Litigation Branch

enclosures

cc (with attachments): Dennis M. Gingold
Sabrina McCarthy
Martin LaLonde

Memorandum

To: Tom Slonaker
Special Trustee for American Indians

From: J. Steven Griles
Deputy Secretary

Subject: OST Records Management

There are three issues involving OST records management that I am requesting you provide information so we can have a better understanding of records management.

First, as you know, it is important in our capacity as trustees for Indian beneficiaries that we identify, manage and preserve individual Indian and Tribal records. As a result of the Cobell v. Norton litigation, we also need to inform the Court in general and the Special Master in particular of any significant plans that affect our records retention and document production responsibilities. It has been a longstanding Departmental requirement that the movement of any records requires the prior approval of the Cobell document production coordinator.

I have been made aware that your office has announced plans to relocate within the next two months about 32,000 cubic feet of OST records from Albuquerque, New Mexico to Lee's Summit, Missouri. Also, I have been informed that the Special Master has expressed concern about the relocation of these records.

Given the historical concerns about records retention and protection, it is imperative for us to be extremely careful with any records relocation initiative. In light of my responsibilities detailed in the declaration filed with the court on the Department's trust reform efforts, I want to make sure that we are carefully planning the relocation of these records. It is also important that the Special Master is properly and timely informed and that he has every opportunity to resolve concerns prior to the Department taking irreversible actions.

Therefore, please provide at your earliest opportunity the following information regarding this proposed records relocation.

- The justification for the proposed records relocation.
- A description of records related to the Court's 1996 order.

- While the relocation of these documents is under consideration, provide a report each month to the Special Trustee, which will include a status report on the steps being taken to plan the relocation of these records.

- A comprehensive plan designed to ensure all facets of the relocation of these records is properly considered. I understand that you have or are about to hire a contractor to assist OST in preparing this plan.

- An inventory of the record types and volumes being moved.

- A detailed schedule to govern the relocation.

- A complete list of individuals & entities involved in the planned chain of custody.

- A description of how the records will be made accessible, when needed, following their placement in Lee's Summit.

- A description of the security measures to be taken to ensure that no documents are lost, stolen or destroyed.

- A notification, at least two weeks in advance, of your actual intent to relocate these records.

Until the Special Master and I have reviewed this information, I request that you and the Office of Special Trustee maintain all records, both Tribal and individual, in their current locations. Given our responsibilities to Indian beneficiaries and to the Court, I am sure you see why these actions are necessary.

As I mentioned, it is important that all trust records be preserved. In the near future, we will examine the records program and we will work with you to clarify your programmatic needs. You will be receiving a separate memo on this subject in the near future.

The second issue to bring to your attention is that it is my understanding that an incident occurred in which an OST employee transported records outside the work environment and that the documents were found by third parties in a local shopping mall. Please provide a complete explanation of the incident, circumstances and the status of the recovery and return of these documents by close of business, Thursday, March 14, 2002. In addition, please inform me about any disciplinary action taken or anticipated in response to this incident.

Finally, it is my understanding that Ken Rossman, Director, Office of Trust Records has been reassigned. Please inform me, as soon as possible, regarding your long-term intentions for Mr. Rossman and his position. Is Mr. Rossman's reassignment permanent? Are you planning to advertise his position to identify a qualified replacement? This is a critical senior management position that cannot be allowed to

remain unencumbered.

Thank you for your time and effort to respond to my concerns. Please let me know if you have any questions or concerns about these records management issues.

United States Department of the Interior

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
Washington, D.C. 20240

MAY - 1 2002

Memorandum

To: J. Steven Griles
Deputy Secretary

From: Tom Slonaker
Special Trustee for ~~American Indians~~

Subject: Emergency Report of the Special Master Regarding Defendant's Proposed Relocation of Records to the Lee's Summit Federal Records Center

This responds to your request that I prepare and submit to you my suggested response to the Special Master's Emergency Report. I would appreciate a complete copy of his Report, including attachments.

I also appreciate the gravity of the April 18, 2002, restraining order issued by the Court, and the distinct possibility of future appearances before the Court on this matter. I have not prepared a point-by-point response to the Special Master's Report, nor will I comment directly on the Special Master's pointed criticisms of OST in the Emergency Report.

In the information available, including his February 20,2002, letter requesting document production on this subject, the Special Master raises many valid points with regard to the planning necessary and work required to complete the transfer of trust documents to Lee's Summit Federal Records Center (Lee's Summit). At its essence, the Special Master's focus and criticism relates to the merits of the decision and planning for support of the transfer of certain Office of the Special Trustee (OST) financial and administrative records to Lee's Summit.

I agree wholeheartedly with the Special Master that more work and planning are required prior to the transfer of these records to Lee's Summit. In fact, many of the issues bearing on the move were known by OST, and that is precisely why OST contracted with Millican & Associates to assist the Office of Trust Records (OTR) in developing the necessary plans and work required attendant to the transfer. For your information, a copy of Millican's April 25, 2002, *Draft Records Transfer Plan* is attached for your information. We are analyzing Millican's draft report for completeness and to develop any additional issues that must be covered in the transfer plan.

As I indicated in my earlier response to the 2nd Report, we clearly have not communicated successfully the Department's responsibilities, purpose, and approach for Federal records management including trust records and the *Indian Affairs Records Management* program.

The Special Master all but beat OST to the starting line on this issue, inasmuch as the required employee union consultations on the decision had just begun. That is, the necessary decision and planning process was just beginning when the Special Master became involved in mid-February, and he is therefore correct in citing a paucity of documentation to aid his analysis.

I agree with the Special Master on the need for a better inventory and a single database regarding these boxes and records and that the time frame for completing this move may appear aggressive. He is correct that we must have a better handle on the contents of the boxes. As mentioned above, we are working with Millican & Associates to investigate these issues and to develop a game plan to address them. I recognize that the time frame is dependent on amount of work to be completed and the resources devoted to complete the task, but in Millican's draft report it is suggested that about 9 months is necessary to complete the preparation and actual move.

Nonetheless, I sense that some of the basic records management programmatic assumptions, assertions, and conclusions appearing in the Special Master's Emergency Report require some clarification as these issues go to the heart of the Special Master's Report recommendations.

We used the National Archives and Records Administration (NARA) working definition to make a determination that the records are inactive and suitable for transfer to Lee's Summit. That is records are considered inactive if they have been moved from an office setting in OTFM to general storage in OTR's records center and if a file drawer, or the equivalent of two boxes, is accessed on average one time a month by program staff. Thus, for OST's approximately 32,000 boxes to all be active, we would expect annual research requests to approach something on the order of 192,000 annually, rather than the mere 1,300 requests in 2001 and the 3,500 requests in 2000. Of course there are other circumstances that must and will be considered relative to the transfer such as the impact of Cobell and Tribal litigation, historical accounting, and certain data cleanup exercises. Planning and execution of the move can and will be done in a manner to best facilitate these efforts.

In moving towards the decision to transfer, OST discussed the proposal and informally consulted both internally with the owner of the records, the Office of Trust Funds Management, and with a number of other interested entities, including NARA, the Office of Historical Accounting, the Bureau of Indian Affairs, the Executive Secretariat, and the Solicitor's Office. The origin of the idea to move OST's inactive records to Lee's Summit was the successful trans-shipment of BIA's inactive records from numerous Federal records centers across the country to a single site, Lee's Summit.

The initial formal step to make final the decision with regard to OST inactive records was the required consultation with the employee union that commenced on February 14, 2002, in the letter referenced by the Special Master. My March 5, 2002, memorandum on this subject was prepared to reiterate our intention to a number of parties. OST reported specifically on the transfer of BIA's inactive records to Lee's Summit as far back as February 28, 2001, in Quarterly Report Number 5, and in OTR Monthly Reports as far back as May 2001.

The Special Master discusses at some length the cost of this effort, challenging the relative costs of Lee's Summit and Albuquerque. The 32,000 boxes are housed in four sites in Albuquerque as the Special Master describes. OST's thinking on this matter was as follows. Other things even, we are currently paying annual rent costs of about $600,000 for just the Renaissance and Hawkins facilities. The annual cost to house 32,000 boxes of records at Lee's Summit, using the Special Master's estimate, is something less than $125,000. Eliminating the rental costs for just these two facilities in favor of Lee's Summit results in substantial savings in space costs. Other variables might include the relative cost of establishing a specific OST research staff (supplementing NARA's services, hiring contractors, or Federal employees) at Lee's Summit.

Beyond the research requests cited above, the principal customer and primary user requiring access to these records is the Office of Historical Accounting, which supports the collocation of these records with the BIA holdings at Lee's Summit. All BIA inquiries on these records are directed through OST to OTR, or to Lee's Summit, and that will not necessarily change.

On the subject of records maintenance we also agree with the Special Master in his statement that this function is integral to a proper records management program. We would probably differ with him where he seems to imply that physical custody and storage of these records equates to records maintenance. There is some precedent in using NARA for storage and custody of inactive records, considering that NARA records centers presently house some 21 million boxes of records, including Indian trust records of the Department of the Interior. It is the Special Trustee's view that in the long term inactive Indian trust records will generally be more safe and secure and accessible at Lee's Summit than in OST's temporary, rented records facilities in Albuquerque.

In summary, I agree with the Special Master that many of the management and planning actions presented in the Special Master's Emergency Report are essential steps that must be addressed to ensure the transfer is successful.

The Special Master has a clear and critical role for Indian trust records given his mandate from the Court. Once again he has again expressed his strong dissatisfaction with the Office of the Special Trustee on the records program.

Therefore I must again recommend that we move quickly to obtain a completely independent review of Interior's trust records management program. Interior needs to proceed quickly to jointly plan and initiate an independent peer review conducted by a team of acknowledged experts in the field of Federal records management and trust fiduciary requirements so that all of us will view the results as objective and fair.

Attachment

April 25, 2002

Ms. Debra J. Meisner
Acting Director, Office of Trust Records
Office of the Special Trustee for American Indians
U. S. Department of Interior
6301 Indian School Road, NE, Suite 300
Albuquerque, New Mexico 87110

SUBJECT: Draft Records Transfer Plan

Dear Ms. Meisner:

Enclosed is a draft of the Records Transfer Plan for your review and comment. After you have had a chance to review the report, please call me so we can discuss the best way to answer any questions and resolve any comments that you and your staff may have.

If you have any questions or require additional information, please do not hesitate to contact me at (954) 963-1771.

Sincerely,

Michael L. Morris
Vice President

Transfer Plan Transmittal 2425.wpd

RECEIVED
APR 26 2002
Office of the Special Trustee
for American Indians
OFFICE OF TRUST RECORDS
(OTR)
Director's Office

Millican & Associates
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Office of the Special Trustee for American Indians

Office of Trust Records

Records Transfer Plan

Prepared by: Millican & Associates, Inc.
Revision: DRAFT
Date: April 25, 2002

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OTR RECORDS TRANSFER PLAN

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1 INTRODUCTION

The Office of Trust Records (OTR) contracted Millican & Associates, Inc., (Millican) to prepare a plan to identify and transfer possession of a records collection totaling a volume of approximately 32,000 cubic feet to the Lee's Summit, Missouri, Federal Records Center (FRC). The objectives of the project were to:

- Determine the current state of and ensure control over the records collection,
- Determine requirements for storage, retrieval, transfer, and other records management-related issues,
- Establish a transfer approach and methodology, covering security, tracking, reorganization, disposition, and transfer/shipping,
- Develop workspace requirements for staging, processing, and transferring the collection, and
- Develop a formal Transfer Plan, identifying resource requirements, establishing a schedule, and estimating costs associated with the transfer.

Thus, this plan focuses only on those prerequisites and process activities that must be performed to provide a clear transfer of responsibility and accountability of the records collections in the Albuquerque records storage facilities to Lee's Summit. It is not intended as an analysis of alternative storage options or methods of operation.

Moving a records collection of this size is no small undertaking, especially given the importance of the records in the collection. To assure experienced input into this plan, Millican utilized two of its senior consultants who completed a similar transfer project for the Department of Energy in 2000. That project involved the effective identification and disposition of Federal records related to the Naval Petroleum Reserve (NPR) for the Department of Energy (DOE), which the Government was in the process of selling to Occidental Petroleum. The collection included records such as those related to the equity settlement of the sale and the on-going environmental management commitments of the Government.

2 DETERMINE REQUIREMENTS

2.1 Review Current Information on Collection

The first step in any transfer plan is to bound the collection and to identify all information currently known about the records in the collection. This plan encompasses the Office of the Special Trustee for American Indians (OST) records presently stored in OTR record centers at the Renaissance, Hawkins, and 12th Street sites, and OST records presently stored with Iron Mountain. There are 12,340 cubic feet (boxes) at the Renaissance site, 9,632 boxes at the Hawkins site, 6,267 boxes at the 12th Street warehouse, and 3,567 boxes with Iron Mountain. Figure 1 shows the distribution of the current records among the facilities.

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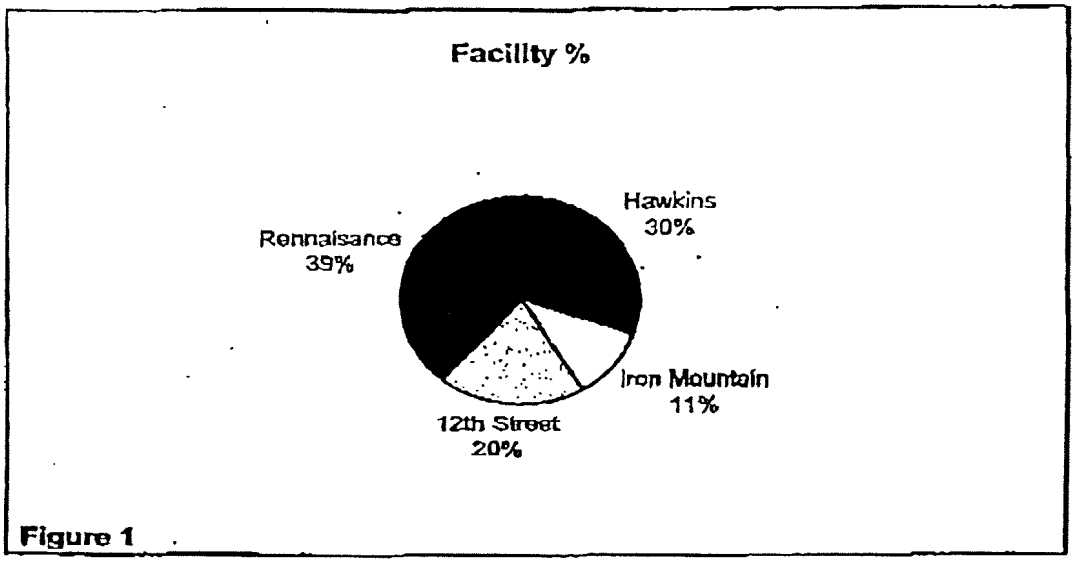

Figure 1

Notations on the outside of most of the boxes describe at least a partial listing of the various kinds of documents contained, although there may be other records in the box. Versatile software, a leading product in managing record collections, is the primary computer tool used to manage the collection. The box descriptions have been keyed into a Versatile database, along with other data pertaining to the box—the Agency code (owner of the records) that is a prefix to the accession number, the box number, and other available information. These listings do not identify a record series but may represent component documents in a record series; in some cases they can be identified as folder titles. For the most part, dates of the documents or folders are expressed only by year. Thus, current information regarding the complete collection exists only at a high level.

In Millican's experience, the condition of the OTR records collection is not atypical. When organizations learn that important records in the field that are at risk of loss for whatever reason, they must make a choice: Either 1) leave the records in the field until a plan can be developed to provide a uniform, orderly capture, or 2) capture the records into a central area that provides adequate physical protection as soon as practical. The prudent choice is to capture the records as quickly as possible. However, that inevitably leads to a large collection of records that are not well organized or indexed in any detail.

The re-organization of records to support both retrieval and ultimately disposition in these scenarios is a major effort. Millican's DOE NPR project required approximately 72 person months to reorganize, index at the folder level, and disposition approximately 6,000 boxes. A similar Millican project for a Midwest nuclear power plant, with indexing to the individual document level, is requiring a team of personnel approximately 2½ years to complete.

The principal body of knowledge regarding the location of specific records in the collection is institutional, i.e., the working knowledge of the staff. Over the last several years, the OTR staff has become intimately familiar with and knowledgeable of the specific contents of the collection via litigation document productions and ongoing operational retrievals to support offices around the country. For example, in 2001, OTR staff responded to 1,284 retrieval requests, requiring the search of 7,752 boxes.

OTR RECORDS TRANSFER PLAN

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Based on review of existing data and discussions with OTR staff, the records in the collection can be broken into three distinct groups: "IIM Case Files," "Ongoing-Mixed Records," and "FRC Boxes." The breakdown of these records across the collection is shown in Figure 2.

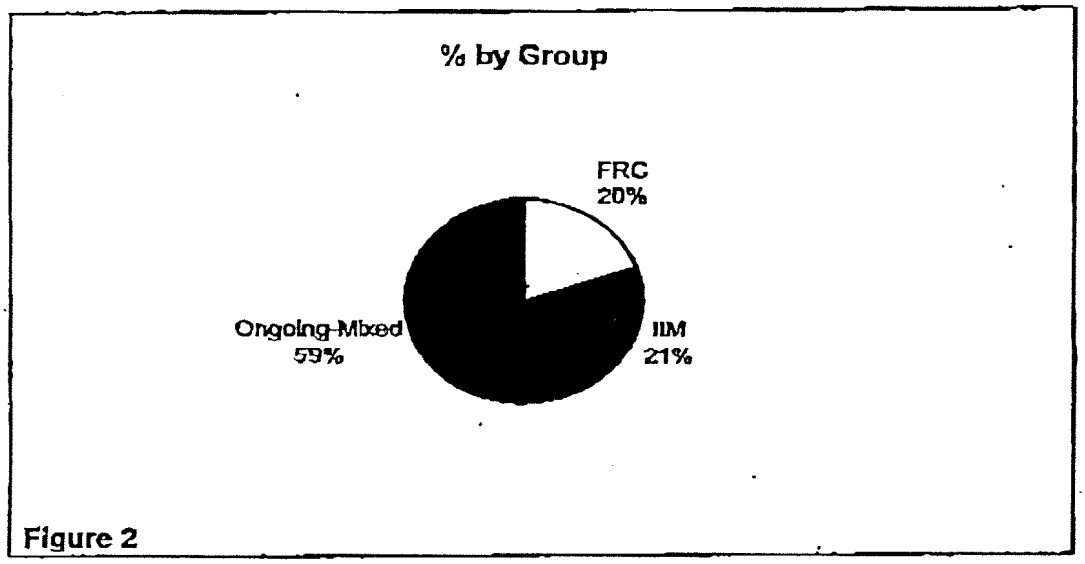

Figure 2

The IIM Case Files are records concerning individual accounts. These files include records up to several years ago, but no filing has been done in these case files since that date.

Ongoing-Mixed Records are those boxes containing IIM records since the IIM Case File cutoff date, records sent in from the field offices, and on-going records generated by OST. Over 5,000 of these records have been reviewed in litigation.

FRC Boxes are those withdrawn from various Federal Records Centers to consolidate them in one location for review in connection with litigation related to the 20-Year Tribal Reconciliation. The original contents of these boxes are known from the SF-135 forms generated during the original transfer to Federal Record Centers.

OTR currently is developing/revising the records retention schedule for OST. Until approval of a new schedule by the National Archives and Records Administration (NARA), the chapters of the 16 BIAM retention schedule (approved by NARA in 1989) remain in affect. Chapters covering the records collection are *Administrative, Finance, 2500,* and *Trust Fund – IIM, 4800.*

Currently, the destruction of any records is banned. The organization and identification of records within the boxes to a file plan that itself is mapped to a retention schedule would, however, facilitate both on-going retrievals and the ultimate destruction or retirement as permanent records when, and if, the ban is lifted. The records collection, for the most part, has not been matched against the 16 BIAM retention schedule in order to determine a record series number.

NARA, in its instructions for transferring records to a Federal Records Center, stipulates that a record series number and disposition date must be included on the Records Transmittal and Receipt Form (SF-135). A request for an exception to that requirement was made January 11, 2001, in order to transfer unscheduled records to Lee's Summit. However, the current

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Memorandum of Understanding (MOU) is dated after that request, and requires the completion of SF-135s. Further, Millican's experience with the transfer of unscheduled records is that NARA still requires completion and submittal of Requests for Records Disposition Authority (SF-115s). NARA then may agree to transfer the unscheduled records while approval of the schedule is pending. The basis for NARA's standard practice is simple and aims to avoid "orphaned" records—boxes with indeterminate content and disposition instructions. Given the length of time NARA may store records and the amount of reorganization the Federal Government undergoes, NARA's position is reasonable. OTR will need to work with NARA to amend the current MOU to address the transfer of records with the pending approval of the SF-115s for those records.

2.2 Data Accuracy Sampling

As mentioned earlier, existing data on the collection is at a high level and has been captured in the Versatile database. This data is not sufficient to complete SF-135s. An examination of the content descriptions written on the sides of boxes revealed limited information about the document types within the box. As an example, one box contains applications for individual accounts, requests to release checks, and change of address forms, among other document types. Although the box contains several of each document type, they are not filed by type, but are interspersed throughout the box. There are no folders and no identification concerning record series. The various documents are for individuals and probably should be interfiled in the IIM Case Files by individual.

Other examples include some of the land sale records, which are inventoried by a listing of the document types in the files. There is, however, no sub-indexing to indicate the land owners involved, although the boxes contain individuals' folders. The same situation is found with lease files, which are arranged by landowner name but where only the document types in the box are described.

2.3 Review Versatile Configuration for Usability

As mentioned earlier, Versatile is a leading software product for managing records centers. The OTR Versatile records management system contains the current inventory data. Cross-referencing to old box numbers and old accession numbers presently is accommodated using the "description" field. The program calculates disposition dates and all fields are text searchable.

Currently, there is limited documentation on the Versatile configuration beyond that provided by the vendor. Like the records collection, much knowledge of the Versatile configuration is institutional. To support the management of the records collection, changes will need to be made in both the fields utilized by the system and in the management of the system's configuration.

Some fields will need to be used differently and new fields will need to be developed. Examples are:

- So the "description" field can be devoted to record series identification, a new field "NARA Accession" should be added where a history of prior accessions and box numbers may be documented.
- Litigation history should be documented to include fields for litigation names or case numbers, "hold" status, status of "responsive" or "non-responsive." In this regard, the "hold" status should be added to the drop-down in the "flag" field.

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2.4 Review Staff Skill Set and Availability

While the amount of detailed recorded data about the box contents is limited, the OTR staff has substantial knowledge of the contents of the records collection. Institutional knowledge about the records is essential to ensure consistent, intelligent identification and relationships of the information. There is vast institutional knowledge about the records in the organization and that expertise should be utilized in many areas of the work to be done to support the transfer.

While it was mentioned in the kick-off meeting that some individuals might be relocated to Lee's Summit, the relocation of all personnel is not likely. Some portion of existing institutional knowledge will be lost if it is not captured in indexing prior to transfer of the records. Tacit knowledge of the records needs to be converted into explicit knowledge. So, before records are transferred, the knowledge needs to be captured and utilized to index the records at a more detailed level. The Acting Director has committed to make resources available to the maximum extent practicable.

2.5 NARA Transfer/Acceptance Requirements

The Memorandum of Understanding (MOU No. NR00_00) outlines the requirements for the transfer and acceptance of records from OST. The plan requires completed SF-135s to be approved by OST-Albuquerque. As mentioned earlier, SF-135s require listing a record series from an approved records schedule. NARA, in our experience, will accept unscheduled records from agencies, but they must reference SF-115s. NARA typically negotiates these agreements on a case-by-case basis. The current MOU does not reflect such agreement.

2.6 OST/Court Unique Requirements

A memorandum dated June 2, 1999, from the Chief of Staff, directed that no trust-related or Individual Indian Money account records be destroyed. Prior to that, in June 1996, the Deputy Commissioner of the Bureau of Indian Affairs (BIA) and the Special Trustee for American Indians jointly directed that "none of the IIM trust records may be destroyed or discarded for any reason...even if they are typically subject to periodic disposal." The Assistant Secretary of Indian Affairs and the Office of Special Trustee for American Indians confirmed this mandate in May 1999.

The Federal Court, as part of the ongoing case, has ordered that no records be destroyed. In addition, during the course of this project, the Federal judge issued a temporary restraining order on the transfer of records to Lee's Summit.

2.7 Identify Specific Record User Needs

Per discussions with OTR staff, the transferred collection will have three (3) principal customer groups:

- Field offices and tribes through general retrieval requests,
- Courts and related legal parties, and
- The Office of Historical Trust Accounting (OHTA)

Individuals and Agencies request documents or information from their account holder files frequently. Statistics reveal that, on their behalf, OTR staff responded to 1,284 requests involving 4,383 documents in 2001 alone. To produce the resulting 12,788 pages, 7,752 boxes

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were searched. During the year 2000, 3,487 documents were requested, resulting in searches of 4,275 boxes to produce 15,209 pages.

No statistics have been provided regarding production in litigation requests for documents.

Per general discussions, it is understood that OHTA is planning an audit of 300,000 to 500,000 Individual Indian Money Accounts. Millican understands that the conceptual plan is for OHTA to work with the IIM Case Files at the Lee's Summit Federal Records Center. The specific interface requirements between OTR and OHTA have not been made available.

Most of the requests for information and documents are made at the document level, and users anticipate immediate turn around. It has been noted that the inventory currently in the system lacks the detail to find specific records. In many instances, a search of all boxes within a record series or an accession is required.

3 TRANSFER APPROACH/METHODOLOGY

Millican's recommended approach to the records transfer is based on the current organization of the collection and the available contextual information describing it. The basic premise of our recommendation is that the shipping organization (OTR) must have a reasonable, documented knowledge of box contents so that an accounting of receipt and confirmation may be completed by the receiving organization (NARA). Typically, this is an inventory at the folder level. At this point, Millican sees no justification to performing any indexing at the individual document level. This also is the basic approach behind NARA's standard SF-135 process. OTR has provided positive controls over the records collection—i.e., secure buildings with access control—and has a high-level inventory at the box level. With its institutional knowledge, it is able to retrieve information that is requested. However, OTR does not have sufficient content detail to complete the SF-135s, as Millican understands NARA's requirements, for the majority of the collection—the group of records described earlier as Ongoing-Mixed Records, which represent 59% of the records collection.

Millican's recommended approach/methodology is illustrated in the high level process shown in Figure 3. In the recommended approach, the entire records collection, box by box, will be processed. Processing will be based on the group to which the box contents belong. The process contains three (3) primary flows: FRC Boxes, Ongoing-Mixed Records, and IIM Case Files.

The FRC Boxes, representing 20% of the total collection, already have SF-135s identifying their original contents. Some contents have been pulled from the boxes over time, primarily to support litigation. Approximately 2,000 of the 6,267 boxes have had folders removed or disturbed in some way, with about 200 boxes restored to their original content by the Records Center staff. This process flow will either restore or account for each folder in the entire collection, including those that have been pulled.

The IIM Case Files, as described earlier, represent the records of the IIM accounts, as they existed at the cut-off, because no further filing was performed. These files have been reviewed and indexed. Thus, the initial recommended step is to verify that information within Versatile. OTR also has indicated plans to interfile IIM records that currently are located in the Ongoing-Mixed Records group. After confirming existing index information, therefore, the process reflects an interfiling step connected with the Ongoing-Mixed Records process. Interfiling makes sense, especially given the interface with the previously mentioned OHTA audit.

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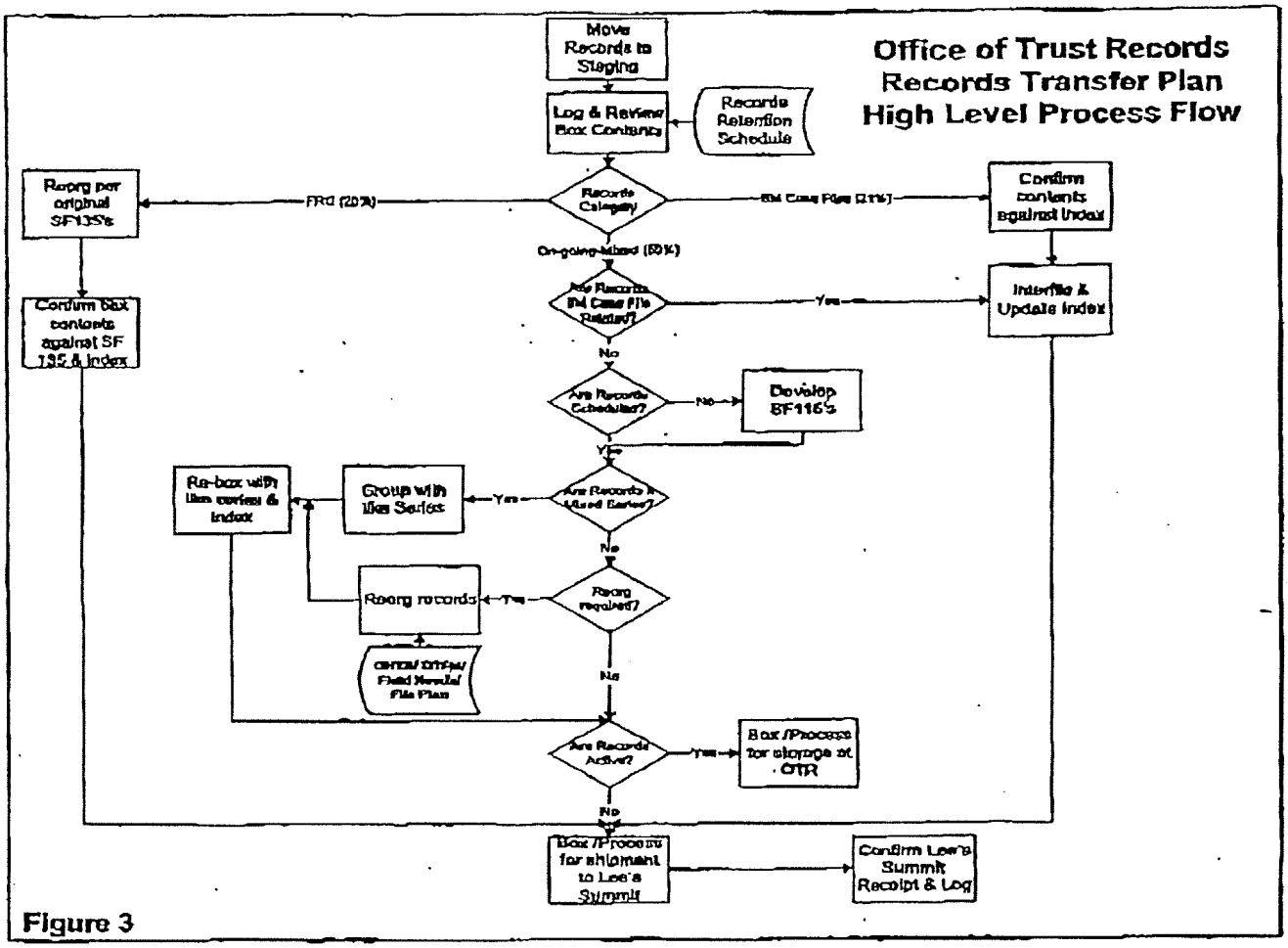

Figure 3

The Ongoing-Mixed Records group represents the major effort, both in terms of volume (59% of the total boxes) and the resources required to prepare and transfer them. Where the FRC Boxes were already processed, with approved retention schedules, via completed SF-135s, and the IIM Case Files arguably still fall under the existing, approved BIA retention schedules, the Ongoing-Mixed Records group may contain record series that have not been scheduled. OTR is in the process of developing and gaining NARA approval for revised records retention schedules for both BIA and OST; neither currently are approved.

The overall process has many steps. Each step is described in some detail in Section 3.2. However, there also are general considerations that apply to the overall process. These general considerations are described in Section 3.1.

Regardless of whether the transfer to Lee's Summit takes place or not, Millican recommends that the records be processed to reorganize and capture explicit knowledge about the records. If the transfer does not take place, the records should be processed back into OTR's records centers. OTR staff has had several years to gain substantial knowledge of the records. That tacit understanding of the records in OTR's possession needs to be captured before it is lost through staff normal attrition. OTR has been considering a project to interfile IIM Case File records.

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That project represents a subset, albeit a major piece, of this recommended effort. Detailed records center procedures will need to be developed, and training conducted for managing the processed records at the more detailed level established by the completed process.

3.1 General Considerations

This project is aimed at increasing the detailed level of recorded knowledge about the boxes and their contents. Inherent in the overall process is an increased level of detail in record center procedures. Specific areas of attention are described below.

3.1.1 Security and Access

While security has been and will continue to be applied to the OTR record centers, the portions of the collection that have been processed will require additional controls to protect the records and the additional information recorded about them. The primary security controls should be segregation and isolation of the "in-process" and "processed" records from the "yet-to-be-processed" records. There is adequate space in Renaissance for this function.

Access to and use of the in-process and processed records must be limited to individuals who have been trained on the process procedures and given written OTR authorization for access. The analysts, who monitor activities, must remain aware of people in the area. The staff must be trained on requirements for visitor check-in and check-out, and visitors must be escorted. Escort responsibility may pass to another staff member as the visitor moves from area to area to accomplish the purpose of their visit. The processing area should be cordoned off from any other activity occurring in the immediate vicinity. Partitions that are fastened together to disallow entrance may be used for this purpose.

Additional accessions to the record centers may be received. The new accessions, however, will be processed per current methods and must be segregated from the transfer collection. At some future point, the organization, identification, and boxing requirements of the enhanced process can be extended via procedures and training to the additional accessions received. When that is achieved, in-coming boxes will no longer require detailed processing by OTR as they will arrive organized and identified to meet the enhanced standards.

3.1.2 Database

As mentioned earlier, management of the Versatile system, both configuration and data, will need to be more formalized. Only a designated few should be authorized to add, delete, or change fields in the Versatile database, and only then with justification approved by OST management. Only the designated technician in the IT group should make such an alternation.

Once new data has been entered into the system and subsequently found to be contaminated or incorrect in some way, the problem must be described, and the request to correct it justified to and approved by OST management. Management should designate only a few personnel who are authorized to correct data.

All of these requirements need to be formalized via written, controlled procedures.

3.1.3 Retrievals

While boxes are being processed, retrieval requests may still be made and fulfilled. Actual removal of a box from the process or records from a box must not be permitted. Document

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requests should be fulfilled by providing copies, as is the current standard. A log should be maintained of all requests, identifying who made the request, the dates the request was received and completed, and a description of the documents copied.

3.1.4 Tracking

The records collection falls into three groups for processing: IIM Case Files, FRC Boxes, and Ongoing-Mixed Records. As the boxes are removed from their shelves per their schedule for processing, they will be placed in the tracking mode. The mechanism for tracking the boxes should be provided by the Versatile database where the available information about each box is contained. Reports may be generated daily if necessary that can pinpoint the status of each box and/ or folder.

In all likelihood, not all boxes making up a record series can be pulled from the shelves at once because of staging constraints. Within a record series there may be many accessions. The accessions should be scheduled one at a time to make staging less cumbersome, to allow cross-referencing old to new box numbers easier for the indexers, and to more efficiently track the boxes.

Pull lists generated by the analysts from the database can be used by the warehousemen to ensure all of the boxes in a given accession have been pulled, acting as a quality control activity. Discrepancies will then be resolved immediately.

As boxes are pulled, the database must be flagged to indicate that they have, in fact, entered the system, with the date that occurred being documented. The location of each box should be recorded daily if the box has been moved, by flagging the system and documenting dates in and out of the locations. At the end of the accession, reconciliation must take place to ensure all boxes leaving the system are accounted for.

3.1.5 Retention Schedules

As mentioned earlier, OTR is in the process of developing/revising its records retention schedule. The term "developing" describes the identification of new record series unique to OST; the term "revising" describes record series within the current approved BIA retention schedule that just need to be assigned to OST, or that for other reasons require a revision to their retention requirements.

As described earlier, completion of the SF-135s necessary for transfer requires that box contents be identified either to approved retention schedules, or to schedules pending approval via SF-115s tentatively approved by NARA. OTR may be able to utilize existing approved BIA retention schedules; such use, however, typically must be reviewed and approved by NARA prior to shipment. Millican's methodology assumes this action will be completed by OTR.

3.1.6 Reorganization/Disposition

Currently, OTR has no written file plan—i.e., a logical organization of records that maps to approved retention schedules. A file plan defines how records of any particular record series are to be arranged and packaged within folders or boxes. Much of the Ongoing-Mixed Records appear to need such arrangement.

A file plan also may break a record series into a greater level of detail to facilitate retrieval. Such a file plan is not required, although retrieval staff have indicated that one may be desirable. Prior

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to processing records, OST/OTR needs to determine if a more detailed file plan is warranted for all or any part of the records collection. Mapping to the record series normally is sufficient for an effective records transfer.

That mapping, however, will require a defined organization of boxes within a given record series. For example, one level of organization of records may be described as putting the box contents in alphabetical, chronological, or numerical order. To achieve such organization may require sorting through all of the boxes in a single accession to reassemble them properly. A benefit is that the research effort to respond to document requests certainly will become easier as the number of boxes required to search through to retrieve a specific record will be reduced.

Another level of reorganization that will significantly impact disposition of records is the reordering of records that belong to another record series and therefore cannot be processed where they incorrectly reside.

3.1.7 Transfer/Shipping

The SF-135 and the attendant detail box contents list along with reboxing of the collection must conform to NARA instructions. Until the shipment is accepted by the FRC, the existing box number should be retained for tracking purposes to ensure integrity of the accession. An entry must be made in the tracking system to indicate that the SF-135 is awaiting FRC approval.

Boxes must be annotated with the FRC assigned accession number and box number. The shipping pallets are packed according to these two numbers.

3.1.8 Procedures

Since the records centers have not to this point operated at this increased level of detail, procedures need to be developed that clearly describe how each step of the process is to be conducted. Procedures must provide clear guidance to team members on standard practices, as well as what to do if they encounter something outside the norm.

3.1.9 Quality Assurance/ Quality Control

Providing overall quality management of the process is extremely important. Each of the process flows needs to have sufficient oversight to assure that work is accurate and complete. Sampling of boxes and associated information is critical to assure that work is being done correctly and to isolate and correct any problems quickly. A quality plan, based on the written procedures, needs to be developed that identifies where and how sampling takes place.

3.1.10 Training

Formal training must be developed and conducted on the transfer project's methodology and procedures prior to initiating any work. All quality issues should be reviewed to determine if training is a part of the root cause. Training content will be modified and/or remedial training conducted to groups or individuals as may be appropriate.

3.2 Detailed Process Description

The many details that are involved with a transfer of this nature are complex. It is important to understand those complexities and how they relate. Figure 3 (page 7) displays the overall view of the transfer process and a brief discussion of the various steps follows. The flow chart follows

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three distinct paths each describing the process for each of the identified record groups: IIM Case Files, FRC Boxes, and Ongoing-Mixed Records.

3.3 Initial Steps

1. Move Records to Staging

   Record boxes will be moved to the staging area and staged for processing. Accession numbers will be staged separately to avoid inadvertent mixing of accessions.

2. Log & Review Box Contents

   The existing accession number and box number will be logged, and the log will track each box from this point as it passes through the process.

3. Determine Records Category

   The category of the records (IIM Case Files, FRC Boxes, or Ongoing-Mixed Records) will be determined and logged. The category will determine which process applies.

3.4 FRC Boxes

1. Reorg Per Original SF-135s

   A copy of the original SF-135 should be found in the front of the first box in the accession. These SF-135s will be used to reconstruct the contents of each box. All exceptions will be noted and logged, and diligent efforts made throughout the transfer process to resolve them. If the SF-135 does not exist, the box contents will be inventoried and a new SF-135 created.

2. Confirm Box Contents Against SF-135 and Index

   The box contents will be independently confirmed against the SF-135, and the Versatile index reviewed and updated to reflect the contents

3.5 IIM Case Files

1. Confirm Contents Against Index

   Contents of the boxes will be confirmed against the index and, as necessary, the index updated. Discrepancies will be pursued and resolved with OTR staff.

2. Interfile & Update Index

   IIM Case File-related records may be identified during review of Ongoing-Mixed Records (see Section 3.6, Step 1). These records will be interfiled in the appropriate boxes and the index updated appropriately. SF-135s will be created as necessary.

3.6 Ongoing-Mixed Records

A series of determinations will be made, and appropriate actions taken, as follows:

1. Are Records IIM Case File-Related?

   These files will be interfiled in the appropriate IIM Case Files, as described above.

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2. Are Records Scheduled?

   a. If records cannot be matched to 16 BIAM approved retention schedules, SF-115s will be created. Development of the SF-115s will be coordinated with OTR's Records Retention Group.

   b. If records can be matched to approved retention schedules, the box will be identified by the corresponding record series description.

3. Are Records Mixed Series?

   If there are records of other record series within a box, they will be

   (1) grouped with like series (reordered), and

   (2) reboxed with the like series and indexed.

4. Is Reorg Required?

   If records in a box are out of order (based on OHTA, OTFM, Field Needs, or established file plans), or otherwise are not filed correctly within a series, they will be

   (1) reorganized into the appropriate order, and

   (2) reboxed within their series and indexed.

5. Are Records Active?

   If records are considered to be active files (by NARA definition and any other appropriate criteria), they will be boxed and processed for storage at OTR. The index will indicate they are active and identify OTR as their location. OTR has indicated that the active file period should be the current year plus 1 year (CY+1).

3.7 Final Processing

Boxes that have completed the above processing will be transferred to the Federal Records Center as follows.

1. Box/Process for shipment to Lee's Summit

   An SF-135 will be completed for each accession, documenting the contents of each box. Any box containing records connected with litigation will be noted. The completed SF-115 will be submitted to Lee's Summit for approval. Upon approval, boxes will be transferred in accordance with Federal Record Center requirements and the index updated.

2. Confirm Lee's Summit Receipt and Log

   Upon confirmation of receipt of the shipment, the index will be updated.

4 Transfer Plan

While Section 3, Transfer Approach/Methodology, defined the processes that need to be put into place and utilized to carryout the transfer, this section defines the actions necessary to get the processes in place and perform them along with time frames to complete. The overall plan is shown in Attachment 1. This Gantt chart lays out the activities, their relationships to one another, and their time frames for completion. The plan is divided into four (4) parts:

D P F T D R A F T

- Prerequisites
- Oversight Review & Concurrence
- Start-up
- Processing

As illustrated in the Gantt chart, the overall project is expected to require approximately nine (9) months to complete. Millican feels this is the fastest the project can be achieved. The constraint, from our experience, is assuring consistency across the processing staff. The anticipated staffing is 39, with 30 committed to processing the Ongoing-Mixed Records. The Ongoing-Mixed Records will be the most difficult to process consistently, and Millican believes that 30 is the maximum staff where consistent guidance can be provided and effectively communicated.

4.1 Prerequisites

Several activities must be completed prior to beginning any transfer. These tasks represent activities necessary to gain consensus by all parties on the details of "who," "what," "where," and "when" the transfer will take place. False starts or major mid-process changes are time consuming and expensive.

4.1.1 Define OHTA Interface Requirements

The specific or special needs of OHTA for records retrieval and use have not been documented. These needs could include a variety of requirements including:

- Indexing metadata,
- Organization of the records within boxes
- Schedule and processing priority, i.e., records availability
- Metadata transfer and updates

It is assumed that OHTA is making the arrangements for workspace, equipment, and records access at the Lee's Summit Federal Records Center.

4.1.2 Revise NARA Memorandum of Understanding (MOU)

The current MOU or other formal agreement needs to be developed or modified to address specific OTR needs. These needs include the transfer of records with old or unapproved schedules. Typically, NARA will accept unscheduled records on a case by case basis, and only if SF-115s have been submitted and NARA has reviewed and tentatively approved the SF-115s. In addition, the ownership of permanent records needs to be specified. Usually, NARA takes ownership of permanent records, which could save OTR money; however, transfer of ownership is likely *not* acceptable until outstanding litigation is closed. The details need to be spelled out in an OTR/NARA agreement.

4.1.3 Develop OTR File Plan

The organization of records within record series needs to be defined. Some OTR staff have expressed a desire to have an even more detailed breakdown of the files to support retrievals. The specific organization that OTR (and its customers) desire needs to be developed and finalized.

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4.1.4 Develop Process Procedures

Organizing and maintaining records at a more detailed requires standard, consistent methods. The only way to achieve such consistency is to document them via procedures. Procedures must be developed to cover the processes and steps illustrated in Figure 3.

4.1.5 Configure Versatile to Required Fields & Develop Documentation

While Versatile can be used to manage the records and the process, it needs to be configured to do so. Currently, Versatile is utilized in its most basic form. To manage both the transfer process and the processed collection, Versatile will have to be set up to handle more fields—in particular fields to capture litigation flags. The database configuration needs to be better documented as well, including specific data definitions. The database configuration will need to tightly controlled and managed. Procedures must be developed and implemented to assure any proposed changes are reviewed and approved by affected parties before being implemented.

The OTR database will contain more information than the database NARA will use to manage the records in the FRC—e.g., the litigation flags. If OHTA needs to access the OTR Versatile database, provisions for how that sharing will achieved need to be made.

4.1.6 Develop Training

Formal training on the both the procedures and the Versatile system must be developed for everyone working on the transfer project. An on-the-job training (OJT) component should developed to assure that each individual understands how to perform their assigned tasks.

4.1.7 Establish Workspace

Workspace needs to be established for the 39 individuals working on the project. Individual workspace needs to consist primarily of large flat work surfaces in the work area, each of sufficient size for several in-process boxes.

Twenty of the workspaces need workstations with access to Versatile. Several of the workstations need to be bar code equipped. Three printers capable of printing box and folder labels need to be available in the vicinity of the workspace.

The best available work area appears to be in the Renaissance Building. It is the largest of the record centers, housing 39% of the records to be processed, and should have sufficient square footage to house the transfer process. It served well in a previous ORT project when housing 125 people performing a similar inventory project.

- Transfer Area—The building's dock area easily can hold a thousand boxes with pallets (one truckload). It is a secure area with double door entrance from the stack area. The dock accommodates one semi-truck. Access can be sufficiently controlled. Records from Hawkins and 12th Street sites will have to be shuttled to the Renaissance site.
- Staging Area—One portion of the building's stack area can accommodate staging of boxes in process. This area is adjacent to the dock area on one side and the building's office area on the other. The staging area should have shelving to hold about 2,000 in-process boxes. Access can be sufficiently controlled. Dedicated resources will be required to manage the constant staging and movement of boxes to the processing area, then to the transfer area.

- Processing Area—At the front of the building's office area is a large open area, which housed 125 people, including their tables/desks and equipment, for a previous project. Based on this information, the area should suffice. To allow for staging of boxes in the processing area and to avoid displacing other workers, approximately 144 square feet per person—5,600 total square feet—will be required.

4.1.8 Procure Project Staff

As mentioned, staffing is projected at 39 individuals. These resources are not available from within OTR; thus, outside resources will need to be obtained. In all likelihood, these resources will need to be provided by an external contractor. To the extent practicable, OTR needs to assign its existing personnel to this project to tap their institutional knowledge and transform it into explicit knowledge. Therefore, in some cases, these additional resources will be required to fill in for OTR staff while they participate in this project.

There will be considerable over-lap of responsibilities since a project of this size requires that several individuals be able to perform a given task. In general, we anticipate the following staffing levels:

- Project Manager—Authorized single point of responsibility to coordinate all activities of the project. Establishes costs and determines resource requirements. Responsible for the administrative aspects of projects, including reports and briefings to OST management. Responsible for quality assurance efforts of the project.
- Senior Records Analysts—Provide technical direction and analytical support to project staff. Perform records appraisal and research. Develop supporting procedures and instructions, and conduct training of staff.
- Records Analysts—Under the direction of Project Manager and Senior Records Analysts, support project through the development of inventory instructions, forms, sheets, etc. Assist with development of record series descriptions. Lead teams of Records Indexers. Perform basic research, manage associated data, generate reports, and perform other related duties as necessary to support project completion.
- Records Indexers—Under direction of Records Analysts, utilize procedures and instructions to inventory, reorganize, and rebox records, identify concerns for resolution, and enter/update index data.

During Millican's evalnation, OST personnel indicated that sufficient facilities, supplies, equipment, and furniture were available for use, and that OST had contracts and personnel resources in place to provide for shipping and for the movement of boxes from one storage site to the other to support this project.

4.2 Oversight Review & Concurrence

Given the significance of this project, there certainly needs to be review of the details of this project external to OTR.

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4.2.1 Review Project Readiness

The project staff will generate briefing and review materials and provide them to appropriate organizations and individuals to assure consensus on the project before initiating any transfer of the records collection.

4.2.2 Approval to Proceed

This milestone represents achievement of the approval to proceed with the project.

4.3 Start-up

Start-up consists of those activities preliminary to starting the transfer, but should not begin until after the approval to begin transfer.

4.3.1 Mobilize Contractor Support

External resources will require a finite amount of time to organize and arrive at their work site. Two (2) weeks have been allowed in the schedule.

4.3.2 Assign OTR Resources

Concurrent with contractor mobilization, existing OTR staff will need to be assigned to the project. As replacement staff arrives, turnover and training of current duties will need to occur.

4.3.3 Conduct Training

When staff is in place, training on the project procedures will be conducted.

4.4 Processing

The project approach (see Figure 3) shows three (3) distinct process flows: FRC Boxes, Ongoing-Mixed Records, and IIM Case Files.

4.4.1 Ongoing-Mixed Records

This process is the most complex and time consuming. It parallels the process Millican used to disposition the DOE's NPR records. Those records required 1.7 person-hours per box to complete. Based on our recommendation that processing provide a reasonable index of box contents, resulting from an inventory at the folder level (which is NARA's standard SF-135), this process will require thirty (30) staff approximately twenty-seven (27) weeks to complete.

4.4.2 FRC Boxes

This process represents the simplest of the three. These records already have completed SF-135s. Although some of the boxes have had some records removed, the vast majority is as they were when received. Millican estimates that these boxes will require 0.5 person-hours per box to complete. Thus, with the application of nine (9) staff, this process will require approximately (9) weeks to complete.

4.4.3 IIM Case Files

The complexity of this process lies between the other two, although these records represent the most important. The interfiling of the Ongoing-Mixed Records adds additional effort to this

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task. Millican estimates that these boxes will require 1.0 person-hours per box to complete. Thus, with the application of nine (9) staff, this process will require approximately eighteen (18) weeks to complete.

4.4.4 Transfer Complete

This milestone represents completion of the project.

5 Costs

Based on our previous experience with the DOE NPR project, we estimate that the blended hourly cost to provide personnel to perform this project (or, equivalently, to fill in for OST personnel assigned to this project), will be $42.59. The estimated 42,120 hours of labor, therefore, will cost approximately $1.8 million.

OTR RECORDS TRANSFER PLAN

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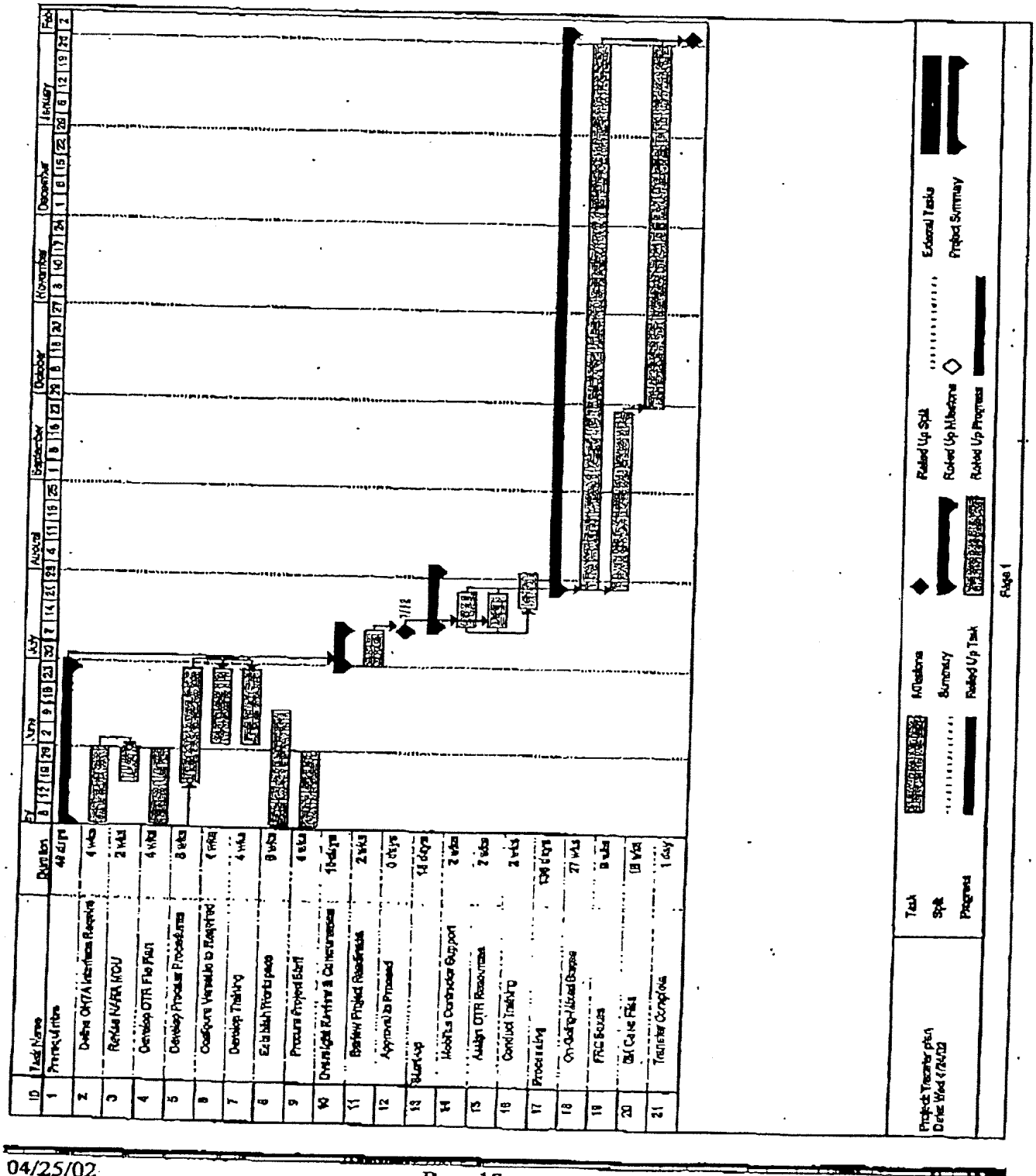
Attachment 1